

REMARKS

The Office Action dated February 14, 2005 has been reviewed and carefully considered. Claims 8-20 are added. Claims 1 and 3-20 are pending, of which the independent claims are 1, 7, 10 and 20. The pre-existing claims have been amended for clarity. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

CLAIM OBJECTIONS

Claims 1 and 3-7 have been amended in a manner believed to overcome the present claim objections.

The amendment of claims 1 and 7 finds support in the specification (e.g., page 2, lines 3-12; page 5, lines 18-25; page 7, lines 1-7).

The amendment of claim 5 finds support in the specification (e.g., page 2, line 26 – page 3, line 2; page 10, lines 10-22).

CLAIM REJECTIONS UNDER 35 U.S.C. 112, FIRST AND SECOND PARAGRAPHS

The current amendments are believed to overcome any rejection under these sections.

CLAIM REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 1 and 3-7 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,619,500 to Hiekali in view of U.S. Patent No. 5,910,954 to Bronstein et al. ("Bronstein") and U.S. Patent No. 6,305,020 to Hoarty et al. ("Hoarty").

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Claims 1 and 7 state that the access node switch controls, "all of the access-network-specific switching without said access node switch having to know a carrier frequency allocated to a terminal coupled to a sub-network."

Item 17 of the Office Action acknowledges that Hiekali and Bronstein, alone or in combination, fail to disclose the above-quoted limitation of claim 1. Item 17 of the Office Action then suggests that Hoarty makes up the difference. Item 17 cites to several drawings and passage in Hoarty, but the applicant is unable to see how Hoarty makes up the difference.

It is noted that, although item 17 of the Office Action suggests that Hiekali discloses the claim 1 feature of the channel cluster modules being arranged "for transmitting downstream signals on one, respective carrier frequency," and apparently offers as support for this assertion "figures 3-5, 8-10, abstract, col. 2, lines 5-33, col. 3 lines 3-59, col. 14, lines 20-60, the applicant has been unable to find any support for this assertion in the cited passages and drawings.

Moreover, there is no apparent motivation for making the proposed Hiekali/Bronstein combination, let alone the Hiekali/Bronstein/Hoarty combination.

While Hiekali is designed for efficiency (col. 4, line 21(22): "utilizes the unused channels"), high-speed (col. 2, line 10: "high speed") operation, utilization of off-the-shelf (col. 8, line 8: "off the shelf"), standard components and reduction of cost through simplicity (col. 8, lines 4-5), Bronstein is designed for flexible reconfiguration of routing paths at the cost of added complexity and overhead (col. 4, line 40) "LAN emulation header"; col. 5, line 37: "arbiter"; col.. 6, line 14: "bridging and aging"; col. 8, lines 30-38).

Moreover, the Bronstein network switch 10 shares a significant amount of common functionality with Hiekali SIMs and NIMs, and therefore cannot merely be tacked on as a front-end or back-end to the Hiekali ATM gateway. Accordingly, it is unclear how the two references would be integrated to achieve a practical embodiment, and, if integrated, how the resulting combination would not change the principle of operation of the primary reference. Since the proposed modification would change the principle of operation of the primary reference, the combination is non-obvious.

For at least all of the above reasons, the proposed combination of prior art would not have been obvious, and, moreover, would not meet all of the limitations of the invention as recited in claim 1.

As to the other rejected claims, each depends from a base claim and is deemed to be patentable at least due to its dependency.

Support for new claims 8 and 9 is found in the specification (e.g., page 5, line 29 – page 6, line 23; page 6, lines 7-11; page 7, line 26 – page 8, line 6).

New claim 10 refers to a network switch. As the Office Action acknowledges Hiekali fails to show this feature. As set forth above, the proposed combination of references would not have been obvious. For at least this reason, claim 10 distinguishes over the references of record. Support for claim 10 is found in claim 1 and in the specification (e.g., page 1, line 19 – page 2, line 12). Support for claim 11 is found on page 5, lines 19-20. Support for claim 12 is found on page 5, lines 29-31. Support of claim 13 is found on page 5, line 29 – page 6, line 2. Support for claim 14 is found at page 1, line 19 – page 2, line 12. Support for claim 15 is found at page 2, lines 3-8. Support for claim 16 is found at page 2, lines 26-28. Support for claim 17 is found


from page 2, line 26 – page 3, line 7. Support for claims 18 and 19 is found from page 9, line 16 to page 10, line 2. Claim 20 is a method claim corresponding to claim 15.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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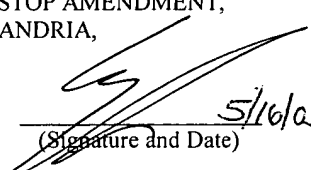

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